

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GENE T. FAVORS,

Plaintiff,

v.

Case Number 06-13487-BC
Honorable Thomas L. Ludington

CATHY GARRETT,
JANE DOE,
JANE DOE,

Defendants.

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING CASE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on August 31, 2006, recommending that the plaintiff's application be denied pursuant to the "three strikes" provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). Although the plaintiff filed a motion for extension of time to object within ten days of service of the report, which the Court denied under Federal Rule of Civil Procedure 6(b), no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #4] is **ADOPTED** and the case is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 20, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 20, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS